

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Billy J. Bellamy and Wendy J. Bellamy,)	C/A No. 4:13-3575-RBH-KDW
)	
Plaintiffs,)	
)	REPORT AND RECOMMENDATION
vs.)	
)	
Countrywide Home Loans; Bank of)	
America, NA; US Bank as Trustee for JP)	
Morgan Trust 2006-S4, and any other)	
parties known or unknown at this time, et)	
al.,)	
)	
Defendants.)	

Plaintiffs, appearing pro se, filed this action in the Horry County Court of Common Pleas, bringing what is titled a “Complaint to Quiet Title Action.” Defendants removed the matter to this court on December 23, 2013. *See* ECF No. 1. On December 27, 2013, Defendants filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, claiming Plaintiffs’ Complaint did not present a claim on which relief could be granted. ECF No. 8.

As Plaintiffs are proceeding pro se, the court entered an order on December 30, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiffs of the importance of a motion to dismiss and of the need for them to file an adequate response. ECF No. 12. Plaintiffs were informed that their response was due by February 3, 2014. Plaintiffs were specifically advised that if they failed to respond adequately, Defendants’ Motion may be granted, thereby ending their case. Plaintiffs did not respond by that deadline.

On February 6, 2014, the court ordered Plaintiffs to advise whether they wished to continue with their case by February 28, 2014. ECF No. 16. Plaintiffs have filed no response. As such, it appears to the court that Plaintiffs do not oppose the Motion to Dismiss and wish to abandon their action against Defendants. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

The Clerk of Court is instructed to send this Report and Recommendation to Plaintiffs at their last-known address by way of both regular and certified U.S. Mail.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent than the last name "West".

March 5, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**